

receipt

Item Number: 470
Planner: MJK
Date Filed: 5-20-94

Account: R0014150
Number: 94-483-A
Taken In By: MJK
Item Number: 470

Date: 5/27/94

National Birchwood Corp. - 8544 Oak Trace Way
020- Zoning Variance - \$250.00
050- 155m posting - \$35.00
- \$285.00

PLEASE PRINT NAME AND ADDRESS
\$285.00

Please Make Checks Payable To: Baltimore County

PETITION PROCESSING FLAG

94-483-A

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney ☒

The following information is missing:

Descriptions, including accurate beginning point
Actual address of property
Zoning
Acreage
Plats (need 12, only ☐ submitted)
200 scale zoning map with property outlined
Election district
Councilmanic district
BCZR section information and/or wording
Hardship/practical difficulty information
Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
Power of attorney or authorization for person signing for legal owner and/or contract purchaser
Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTROPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

94-483-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be assessed and paid to this office at the time of filing.
2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:
Item No.: 470
Petitioner: National Birchwood Corp.
Location: 8544 Oak Trace Way
PLEASE FORWARD ADVERTISING BILL TO:
NAME: National Birchwood Corp.
ADDRESS: 410 E. Jericho Turnpike
Mineola, NY 11501
PHONE NUMBER: 516-747-7880

MUST BE SUPPLIED

TO: POTENTIAL PUBLISHING COMPANY
June 9, 1994 Issue - Jeffersonian
Please forward billing to:
National Birchwood Corporation
410 E. Jericho Turnpike
Mineola, NY 11501
516-747-7880

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-483-A (Item 470)
8544 Oak Trace Way
Corner SW/S Marriottville Road and SE/S Corn Stream Road
2nd Election District - 2nd Councilmanic
Petitioner(s): National Birchwood Corporation
HEARING: WEDNESDAY, JULY 6, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse

Variance to permit two signs with a total of 30 square feet in lieu of the permitted one sign of 15 square feet.

LAWRENCE E. SMITH
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Called Petitioner
re. pub. issue - should
be June - they misled
the error and now
ad on June 7

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

JUN 03 1994 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Arnold Jablon
Director

cc: National Birchwood Corporation
Harry S. Shapiro

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 24, 1994 (410) 887-3353

Harry S. Shapiro, Esquire
400 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-483-A, Item No. 470
Petition for Variance
Petitioner: National Birchwood Corporation

Dear Mr. Shapiro:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 27, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-7-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +470 (MJK)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. KATSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 14, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 418, 462, 463, 464, 468, 470, 471, 472, 473, 474, 477, 478, 479 and 480.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Gary Lewis

PK/JL:lw

ZAC.448/PZONE/ZAC1

IN RE: PETITION FOR VARIANCE
SW/Corner Marriottsville Road
and Corn Stream Road
(9544 Oak Trace Way)
2nd Election District
2nd Councilmanic District
National Birchwood Corporation
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-483-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 9544 Oak Trace Way, located in the Randallstown area of northwestern Baltimore County. The Petition was filed by the owner of the property, National Birchwood Corporation, by Ron J. Horowitz, Officer, through their attorney, Harry S. Shapiro, Esquire. The Petitioner seeks relief from Section 413.1.D of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) identification signs of 30 sq.ft. total in lieu of the permitted one (1) sign of 15 sq.ft. total. The subject property and relief sought are more particularly described on the plat submitted to accompany the Petition filed and marked as Petitioner's Exhibit 2.

Appearing on behalf of the Petition were Jerold A. Lieberman, Vice President of the National Birchwood Corporation, Paul Lee, Professional Engineer, and Harry S. Shapiro, Esquire, attorney for the Petitioner. Also appearing as an interested party was Ethel Carter, a resident of the area. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 6,003.77 sq.ft., zoned D.R. 3.5, and is presently the site of the sales office for the residential community known as Birchwood At Kings Park. The property lies between Oak Trace Way and Marriottsville Road at

its intersection with Corn Stream Road. The Petitioner intends to develop the site for residential purposes; however, at the present time it is used to house the sales offices for this new subdivision. The Petitioner wishes to erect two identification signs at the entrance to this community off of Marriottsville Road at its intersection with Corn Stream Road. Each sign will consist of a total sign area of 15 sq.ft.; however, only one sign is permitted pursuant to the regulations. Testimony indicated that two signs are necessary at this location to adequately identify this new subdivision and to be symmetrical to the main entrance. There being no adverse comments submitted by any Baltimore County reviewing agency and no opposition voiced at the hearing by those in attendance, I am persuaded to grant the relief requested.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 2 -

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of August, 1994 that the Petition for Variance seeking relief from Section 413.1.D of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) identification signs of 30 sq.ft. total in lieu of the permitted one (1) sign of 15 sq.ft. total, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

- 3 -

has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LES:bjs

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8/19/94
By LES

ORDER RECEIVED FOR FILING
Date 8/19/94
By LES

ORDER RECEIVED FOR FILING
Date 8/19/94
By LES

ORDER RECEIVED FOR FILING
Date 8/19/94
By LES

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 19, 1994

(410) 887-4386

Harry S. Shapiro, Esquire
400 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SW/Corner Marriottsville Road and Corn Stream Road
(9544 Oak Trace Way)
2nd Election District - 2nd Councilmanic District
National Birchwood Corporation - Petitioner
Case No. 94-483-A

Dear Mr. Shapiro:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

cc: Mr. Jerold A. Lieberman, Vice President, National Birchwood Corp.
410 E. Jericho Turnpike, Mineola, NY 11501

Ms. Ethel Carter, 9820 Clarendon Road, Baltimore, Md. 21133

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9544 Oak Trace Way

which is presently zoned D.A. 3.5

Section 413.1.D to permit two signs with a total of 30 square feet in lieu of the permitted one sign of 15 square feet as per the submitted plan of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To properly identify the new subdivision.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Owner:

Name or Firm Name: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____

Attorney for Petitioner:
Name or Firm Name: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____

HARRY S. SHAPIRO
410 W. Pennsylvania Avenue
Towson, MD 21204
Phone () _____

Signature: _____
Date: _____

Signature: _____
Date: _____

Signature: _____
Date: _____

Signature: _____
Date: _____

Name or Firm Name: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____

NATIONAL BIRCHWOOD CORPORATION
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____

410 E. Jericho Turnpike 516-747-7880
Mineola, NY 11501
Phone () _____

Signature: _____
Date: _____

Signature: _____
Date: _____

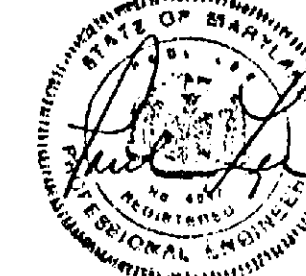
Signature: _____
Date: _____

Signature: _____
Date: _____

Signature: _____
Date: _____

Paul Lee P.E.

Paul Lee Engineering Inc.
94-483-A 308 W. Pennsylvania Ave.
Towson, Maryland 21204
410-887-5341



DESCRIPTION

9544 OAK TRACE WAY
2ND ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning from the same at a point at the intersection of the south side of Corn Stream Road and the west side of Marriottsville Road, said point also being located S 44°24'00" E - 203 feet ± and S 45°36'00" W - 45 feet from the center of Live Oak Road; thence binding on the south side of Corn Stream Road (H.O.A. private drive), (1) S 45°36'00" W - 107.00 feet to the intersection with the east side of Oak Trace Way (H.O.A. private drive), thence binding on the east side of Oak Trace Way (2) S 44°24'00" E - 56.11 feet to the 1st line between #9544 and #9542 Oak Trace Way, thence binding on said lot line (3) N 45°36'00" E - 107.00 feet to the west side of a 10 foot local open space strip which adjoins and runs parallel with the west side of Marriottsville Road, thence binding along said 10 foot local open space strip (4) N 44°24'00" W - 56.11 feet to the point of beginning.

Containing 6,003.77 s.f. of land more or less and referred to as #9544 Oak Trace Way.

470

2/21/94
J.O. 78-002

Engineers - Surveyors - Site Planners

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: Arch Date of Posting: 6/19/94
Posted for: variance
Petitioner: National Birchwood Corp.
Location of property: 9544 Oak Trace Way - SW/Cor Marriottsville & S. Live Oak Stream Rd
Location of Sign: Facing roadway on property being zoned
Remarks: _____
Posted by: LES Signature: _____ Date of return: 6/25/94
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue, in Towson, Maryland 21204, on August 19, 1994, at 10:00 a.m. for the purpose of considering the Petitioner's request for a variance from the Zoning Regulations of Baltimore County, Case No. 94-483-A.

Variance: to permit two signs with a total of 30 square feet in lieu of the permitted one sign of 15 square feet.

NOTES: (1) Hearing is held on the day of the hearing. (2) If the hearing is held on a day other than the day of the hearing, the hearing will be held on the next business day. (3) If the hearing is held on a day other than the day of the hearing, the hearing will be held on the next business day. (4) If the hearing is held on a day other than the day of the hearing, the hearing will be held on the next business day. (5) If the hearing is held on a day other than the day of the hearing, the hearing will be held on the next business day. (6) If the hearing is held on a day other than the day of the hearing, the hearing will be held on the next business day. (7) If the hearing is held on a day other than the day of the hearing, the hearing will be held on the next business day. (8) If the hearing is held on a day other than the day of the hearing, the hearing will be held on the next business day. 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[illegible]

receipt

Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R0014150
Number: 94-483-A
Taken In By: [Signature]
Item Number: 470

Date: 5/27/94

National Birchwood Corp. - 8544 Oak Trace Way
020- Zoning Variance - \$250.00
050- 155th posting - \$35.00
- \$285.00

PLEASE PRINT NAME AND ADDRESS
\$285.00

Please Make Checks Payable To: Baltimore County

Item Number: 470
Planner: [Signature]
Date Filed: 5-20-94

PETITION PROCESSING FLAG

94-483-A

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney ☒

The following information is missing:

- ☐ Descriptions, including accurate beginning point
- ☐ Actual address of property
- ☐ Zoning
- ☐ Acreage
- ☐ Plats (need 12, only 1 submitted)
- ☐ 200 scale zoning map with property outlined
- ☐ Election district
- ☒ Councilmanic district
- ☐ BCZR section information and/or wording
- ☐ Hardship/practical difficulty information
- ☐ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☐ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- ☐ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- ☐ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- ☐ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☐ Notary Public's section is incomplete and/or incorrect
- ☐ and/or commission has expired

PET-FLAG (TXTROPH)
11/17/93

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

94-483-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 470
Petitioner: National Birchwood Corp.
Location: 8544 Oak Trace Way
PLEASE FORWARD ADVERTISING BILL TO:
NAME: National Birchwood Corp.
ADDRESS: 410 E. Jericho Turnpike
Mineola, NY 11501
PHONE NUMBER: 516-747-7880

TO: POTENTIAL PUBLISHING COMPANY
June 9, 1994 Issue - Jeffersonian
Please forward billing to:
National Birchwood Corporation
410 E. Jericho Turnpike
Mineola, NY 11501
516-747-7880

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-483-A (Item 470)
9544 Oak Trace Way
Corner SW/S Marriottsville Road and SE/S Corn Stream Road
2nd Election District - 2nd Councilmanic
Petitioner(s): National Birchwood Corporation
HEARING: WEDNESDAY, JULY 6, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse

Variance to permit two signs with a total of 30 square feet in lieu of the permitted one sign of 15 square feet.

LAWRENCE E. SMITH
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Called Petitioner
re. pub. issue - should
be June - they misled
the error and now
ad on June 7

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

JUN 03 1994 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Variance to permit two signs with a total of 30 square feet in lieu of the permitted one sign of 15 square feet.

Arnold Jablon
Arnold Jablon
Director

cc: National Birchwood Corporation
Harry S. Shapiro

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 24, 1994 (410) 887-3353

Harry S. Shapiro, Esquire
400 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-483-A, Item No. 470
Petition for Variance
Petitioner: National Birchwood Corporation

Dear Mr. Shapiro:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 27, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-7-94

Ms. Charlotte Minton
Zoning Administration and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 470 (MJK)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. KATSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: June 14, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 418, 462, 463, 464, 468, 470, 471, 472, 473, 474, 477, 478, 479 and 480.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Cary Lewis*

PK/JL:lw

ZAC.448/PZONE/ZAC1

IN RE: PETITION FOR VARIANCE
SW/Corner Marriottsville Road
and Corn Stream Road
(9544 Oak Trace Way)
2nd Election District
2nd Councilmanic District
National Birchwood Corporation
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-483-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 9544 Oak Trace Way, located in the Randallstown area of northwestern Baltimore County. The Petition was filed by the owner of the property, National Birchwood Corporation, by Ron J. Horowitz, Officer, through their attorney, Harry S. Shapiro, Esquire. The Petitioner seeks relief from Section 413.1.D of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) identification signs of 30 sq.ft. total in lieu of the permitted one (1) sign of 15 sq.ft. total. The subject property and relief sought are more particularly described on the plat submitted to accompany the Petition filed and marked as Petitioner's Exhibit 2.

Appearing on behalf of the Petition were Jerold A. Lieberman, Vice President of the National Birchwood Corporation, Paul Lee, Professional Engineer, and Harry S. Shapiro, Esquire, attorney for the Petitioner. Also appearing as an interested party was Ethel Carter, a resident of the area. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 6,003.77 sq.ft., zoned D.R. 3.5, and is presently the site of the sales office for the residential community known as Birchwood At Kings Park. The property lies between Oak Trace Way and Marriottsville Road at

its intersection with Corn Stream Road. The Petitioner intends to develop the site for residential purposes; however, at the present time it is used to house the sales offices for this new subdivision. The Petitioner wishes to erect two identification signs at the entrance to this community off of Marriottsville Road at its intersection with Corn Stream Road. Each sign will consist of a total sign area of 15 sq.ft.; however, only one sign is permitted pursuant to the regulations. Testimony indicated that two signs are necessary at this location to adequately identify this new subdivision and to be symmetrical to the main entrance. There being no adverse comments submitted by any Baltimore County reviewing agency and no opposition voiced at the hearing by those in attendance, I am persuaded to grant the relief requested.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 2 -

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of August, 1994 that the Petition for Variance seeking relief from Section 413.1.D of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) identification signs of 30 sq.ft. total in lieu of the permitted one (1) sign of 15 sq.ft. total, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

- 3 -

has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LES:bjs

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8/19/94
By LES

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 19, 1994

(410) 887-4386

Harry S. Shapiro, Esquire
400 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SW/Corner Marriottsville Road and Corn Stream Road
(9544 Oak Trace Way)
2nd Election District - 2nd Councilmanic District
National Birchwood Corporation - Petitioner
Case No. 94-483-A

Dear Mr. Shapiro:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

cc: Mr. Jerold A. Lieberman, Vice President, National Birchwood Corp.
410 E. Jericho Turnpike, Mineola, NY 11501

Ms. Ethel Carter, 9820 Clarendon Road, Baltimore, Md. 21133

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9544 Oak Trace Way

which is presently zoned D.A. 3.5

This Petition shall be filed with the Office of Zoning Administration and Development Management. The undersigned, legal owner(s) of the property, hereby petition(s) for a Variance from Section(s) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Section 413.1.D to permit two signs with a total of 30 square feet in lieu of the permitted one sign of 15 square feet as per the submitted plan.

To properly identify the new subdivision.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Owner:

Name (or Firm Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Name (or Firm Name)

Signature

Address

City

State

Zipcode

Name (or Firm Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Name (or Firm Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Name (or Firm Name)

Signature

Address

City

State

Zipcode

ORDER RECEIVED FOR FILING
Date 8/19/94
By LES

ESTIMATED LENGTH OF HEARING

Unavailable for Hearing

Next Two Months

Other

RECEIVED BY: LES DATE 8/17/94

Paul Lee P.E.

Paul Lee Engineering Inc.
94-483-A 308 W. Pennsylvania Ave.
Towson, Maryland 21204
410-887-5341



DESCRIPTION

#9544 OAK TRACE WAY

2ND ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning from the same at a point at the intersection of the south side of Corn Stream Road and the west side of Marriottsville Road, said point also being located S 44°24'00" E - 203 feet ± and S 45°36'00" W - 45 feet from the center of Live Oak Road; thence binding on the south side of Corn Stream Road (H.O.A. private drive), (1) S 45°36'00" W - 107.00 feet to the intersection with the east side of Oak Trace Way (H.O.A. private drive), thence binding on the east side of Oak Trace Way (2) S 44°24'00" E - 56.11 feet to the 1st line between #9544 and #9542 Oak Trace Way, thence binding on said lot line (3) N 45°36'00" E - 107.00 feet to the west side of a 10 foot local open space strip which adjoins and runs parallel with the west side of Marriottsville Road, thence binding along said 10 foot local open space strip (4) N 44°24'00" W - 56.11 feet to the point of beginning.

Containing 6,003.77 s.f. of land more or less and referred to as #9544 Oak Trace Way.

470

2/21/94
J.O. 78-002

Engineers - Surveyors - Site Planners

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District Arch Date of Posting 6/17/94
Posted for: Varience
Petitioner: National Birchwood Corp.
Location of property: 9544 Oak Trace Way - SW/Cor Marriottville & S. Live Oak Stream Rd
Location of Sign: Facing roadway on property being zoned
Remarks: None
Posted by: LES Signature Date of return: 6/25/94
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue, in Towson, Maryland 21204, on August 19, 1994, at 10:00 a.m. for the purpose of considering the Petitioner's request for a Variance from the Zoning Regulations of Baltimore County, Case No. 94-483-A.

Variance: to permit two signs with a total of 30 square feet in lieu of the permitted one sign of 15 square feet.

HEARING: WEDNESDAY, JULY 19th at 10:00 a.m. in Rm. 118, D16 C Room.

NOTES: (1) Hearing room is located in Room 108 of the County Office Building. (2) For information on becoming the Taxpayer Hearing, Please Call 887-3391.

8145 June 9.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 10, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 9, 1994.

THE JEFFERSONIAN,

A. Henricson
LEGAL AD. - TOWSON